

**SUPREME COURT MINUTES  
FRIDAY, AUGUST 31, 2001  
SAN FRANCISCO, CALIFORNIA**

S012945      People, Respondent

v.

Stanley Bernard Davis, Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's brief is extended to and including October 29, 2001.

No further extensions of time are contemplated.

S034110      People, Respondent

v.

Mark Christopher Crew, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply brief is extended to and including October 29, 2001.

S042278      People, Respondent

v.

Mary Ellen Samuels, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including October 30, 2001.

S025519      People, Respondent

v.

Colin Raker Dickey, Appellant

Appellant's "Application to File Appellant's Opening Brief in Excess of 280 Pages" is granted.

S098481      In re **John Fredrick Murphy** on Discipline

It is ordered that **John Fredrick Murphy, State Bar No. 57868**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 4, 2001. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date

of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

S098487 In re **Howard C. Knadler** on Discipline

It is hereby ordered that **Howard C. Knadler, State Bar No. 85063**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Costs are awarded to the State Bar.

S098489 In re **Jack H. Kaufman, Jr.** on Discipline

It is ordered that **Jack H. Kaufman, Jr., State Bar No. 57450**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including 120 days actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on March 20, 2001, as modified by its order filed April 30, 2001. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2002, 2003 and 2004. (Business & Professions Code section 6086.10.)

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

S098492      In re **Keith Hubert Gill** on Discipline

It is ordered that **Keith Hubert Gill, State Bar No. 43381**, be suspended from the practice of law for six months, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 14, 2001. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S098493      In re **Glen John Dryer** on Discipline

It is ordered that **Glen John Dryer, State Bar No. 141682**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 90 days as recommended by the Hearing Department of the State Bar Court in its decision filed on April 24, 2001; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

S098495 In re **Jeffrey Allan Tepper** on Discipline

It is ordered that the probation previously ordered in SO85823 (97-O-13158) shall be extended for a period of two years. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S098496 In re **Lucinda K. Moreno** on Discipline

It is ordered that **Lucinda K. Moreno, State Bar No. 136850**, be suspended from the practice of law for six months, that execution of the suspension be stayed, and that she be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 11, 2001. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2002, 2003 and 2004. (Business & Professions Code section 6086.10.)

S098497 In re **Ulysses Grant Plummer, III** on Discipline

It is ordered that **Ulysses Grant Plummer, III, State Bar No. 86628**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including one year actual suspension and restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 9, 2001. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2002 and 2003. (Business & Professions Code section 6086.10.)

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

S098498 In re **Marcello Mario Dimauro** on Discipline

It is ordered that the probation previously ordered in SO89056 (State Bar Court Case No. 99-O-13230; 99-O-10188; 97-O-17966) be extended for a period of six months, as recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed May 2, 2001. Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable pursuant to Business & Professions Code section 6140.7.

S098510 In re **Robert Louis Marks** on Discipline

It is ordered that **Robert Louis Marks, State Bar No. 104026**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for one year and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. He is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 8, 2001, as modified by its order filed April 9, 2001. It is also ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) **Robert Louis Marks** is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.  
\*(See Bus. and Prof. Code, § 6126, subd. (c).)

S098513 In re **Susan Jo Magar** on Discipline

It is ordered that **Susan Jo Magar, State Bar No. 170061**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that she be actually suspended from the practice of law for 18 months as recommended by the Hearing Department of the State Bar Court in its decision filed February 7, 2001; and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of

the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating her actual suspension. If respondent is actually suspended for two years or more, she shall remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that she comply with rule 955 of the California Rules of Court, and that respondent perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

S098514 In re **Frank Walter White** on Discipline

It is ordered that **Frank Walter White, State Bar No. 98487**, be suspended from the practice of law for two years and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including nine months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 2, 2001. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2002, 2003 and 2004. (Bus. & Prof. Code section 6086.10.)

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

S098515 In re **Ozoeme Moses Onyejekwe** on Discipline

It is ordered that **Ozoeme Moses Onyejekwe, State Bar No. 152809**, be suspended from the practice of law for 30 days, that execution of the suspension be stayed, and that he be placed on probation for four years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on March 20, 2001, as modified by its order filed April 20, 2001. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2002 and 2003. (Business & Professions Code section 6086.10.)

S098518 In re **Malik Ali Muhammad** on Discipline

It is hereby ordered that **Malik Ali Muhammad, State Bar No. 74824**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

S098519 In re **Ella Smith Chatterjee** on Discipline

It is ordered that **Ella Smith Chatterjee, State Bar No. 149923**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that she be actually suspended from the practice of law for 45 days and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California, as recommended by the Hearing Department of the State Bar Court in its decision filed on March 7, 2001, as modified by its order regarding motion for reconsideration filed March 27, 2001. She is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating her actual suspension. If **Ella Smith Chatterjee** is actually suspended for two years or more, she shall remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation,

fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of her actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If **Ella Smith Chatterjee** is actually suspended for 90 days or more, it is further ordered that she comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

S098522 In re **Steven Jacob Barkin** on Discipline

It is ordered that **Steven Jacob Barkin, State Bar No. 91575**, be suspended from the practice of law for three years and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct and until he makes and provides proof of restitution as recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 30, 2001; that execution of the suspension be stayed, and that he be placed on probation for five years subject to the conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 30, 2001. Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2002 and 2003. (Bus. & Prof. Code section 6086.10.)

S098523 In re **Bruce Gary Fagel** on Discipline

It is ordered that **Bruce Gary Fagel, State Bar No. 103674**, be suspended from the practice of law for 90 days, that execution of the suspension be stayed, and that he be placed on probation for four years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving



Stipulation filed on March 27, 2001, as modified by its order filed May 14, 2001. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within two years after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S098526 In re **Craig B. Stalker** on Discipline

It is hereby ordered that **Craig B. Stalker, State Bar No. 41930**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

S098528 In re **Brenda Elizabeth Vargas** on Discipline

It is ordered that **Brenda Elizabeth Vargas, State Bar No. 153230**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that she be placed on probation for three years subject to the conditions of probation, including nine months actual suspension and restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 4, 2001. It is also ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that she comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2002 and 2003. (Business & Professions Code section 6086.10.)

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

S098529 In re **Stephen James Buchanan** on Discipline

It is ordered that **Stephen James Buchanan, State Bar No. 142640**, be suspended from the practice of law for 30 days and until he makes restitution to Roberto Narvios (or the Client Security Fund, if appropriate) in the amount of \$666.00 plus 10% interest per annum from May 1, 1998, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 2, 2001. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S098609 In re **Malik Ali Muhammad** on Discipline

The disbarment recommendation of **Malik Ali Muhammad** having been accepted in **S098518**, this proceeding is dismissed without prejudice to further proceedings should respondent hereafter seek reinstatement.

S099796 In the Matter of the Resignation of **Jonathan Delbruck**  
A Member of the State Bar of California

The voluntary resignation of **Jonathan Delbruck, State Bar No. 175672**, as a member of the State Bar of California is accepted.

S099799 In the Matter of the Resignation of **Richard Carl Cunan**  
A Member of the State Bar of California

The voluntary resignation of **Richard Carl Cunan, State Bar No. 56821**, as a member of the State Bar of California is accepted.

S099801 In the Matter of the Resignation of **Charles Richard Whiston**  
A Member of the State Bar of California

The voluntary resignation of **Charles Richard Whiston, State Bar No. 36229**, as a member of the State Bar of California is accepted.

- S099802      In the Matter of the Resignation of **Julie Miller Carrico**  
A Member of the State Bar of California  
The voluntary resignation of **Julie Miller Carrico, State Bar No. 83166**, as a member of the State Bar of California is accepted.
- S099803      In the Matter of the Resignation of **Ted Carp**  
A Member of the State Bar of California  
The voluntary resignation of **Ted Carp, State Bar No. 48942**, as a member of the State Bar of California is accepted.
- S099806      In the Matter of the Resignation of **Barry Myron Schiller**  
A Member of the State Bar of California  
The voluntary resignation of **Barry Myron Schiller, State Bar No. 72542**, as a member of the State Bar of California is accepted.
- S100103      In the Matter of the Resignation of **John D. Rittenhouse**  
A Member of the State Bar of California  
The voluntary resignation of **John D. Rittenhouse, State Bar No. 102878**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.  
\*(See Bus. & Prof. Code, § 6126, subd. (c).)
- S100108      In re **Susan Kathleen Holliday** on Reinstatement  
Upon petition for reinstatement and recommendation of the State Bar of California, it is ordered that **Susan Kathleen Holliday** be reinstated as a member of the State Bar of California upon payment of the fees and taking the oath required by law.
- S100166      In the Matter of the Resignation of **Elizabeth Price**  
A Member of the State Bar of California  
The voluntary resignation of **Elizabeth Price, State Bar No. 85536**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should she hereafter seek reinstatement. It is ordered that she comply with rule 955 of the California Rules of Court and that she perform the acts specified in

subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

S100167      In the Matter of the Resignation of **Mark N. Phillips**  
A Member of the State Bar of California

The voluntary resignation of **Mark N. Phillips, State Bar No. 138694**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

113496-01      THE HONORABLE JAMES A. McINTYRE, Associate Justice of the Court of Appeal, Fourth Appellate District, Division One, is hereby assigned to assist the Supreme Court of California as a justice thereof, on August 30, 2001, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: August 30, 2001

Ronald M. George  
Chief Justice of California and  
Chairperson of the Judicial Council